

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

JOSEPH D. CARVER,

Plaintiff,

v.

KELLY CUNNINGHAM, *et al.*,

Defendants.

No. C09-5648 FDB/KLS

ORDER TO AMEND OR SHOW CAUSE

This matter has been referred to Magistrate Judge Karen L. Strombom pursuant to 28 U.S.C. § 636(b)(1), Local Rules MJR 3 and 4. Plaintiff has been granted leave to proceed *in forma pauperis*. Dkt. 4. Following review of Defendants' motion to dismiss (Dkt. 19), the court granted Mr. Carver leave to amend his complaint. Dkt. 27. On April 22, 2010, Mr. Carver filed a "Response to Defendants Assertion That Plaintiff Has Failed to State a Cognizable Claim Along with His Amended Complaint." Dkt. 28 (pp. 1-7). This pleading includes a prayer for relief, Mr. Carver's signature and a certificate of service. *Id.*, pp. 6-7. Appended to the bottom of this document is a second document entitled "Part 2 of Plaintiff Amended Complaint. Dkt. 28 (pp. 8-15) in which Mr. Carver states additional claims and requests additional relief. *Id.*, pp. 14-15.

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1 Mr. Carver is advised that his amended complaint operates as a complete substitute for  
2 (rather than a mere supplement to) the present complaint. Dkt. 7, p. 6. In other words, an  
3 amended complaint supersedes the original in its entirety, making the original as if it never  
4 existed. In addition, reference to another document is not an acceptable amendment, nor may  
5 Mr. Carver proceed with two complaints in one action. Mr. Carver must include all of his factual  
6 allegations, legal claims, and requests for relief in his amended complaint before the court will  
7 order service.  
8

9 Plaintiff shall file his amended complaint, setting forth all of his factual claims, causes of  
10 action, claims for relief, and any exhibits, on or before **May 28, 2010**. Plaintiff is cautioned that  
11 if an amended complaint is not timely filed or if Plaintiff fails to adequately address the issues  
12 raised herein on or before **May 28, 2010**, the Court will recommend dismissal of this action as  
13 frivolous.  
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15 The Clerk is directed to send Plaintiff the appropriate forms so that he may file an  
16 amended complaint.

17 **DATED** this 4th day of May, 2010.  
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21 Karen L. Strombom  
22 United States Magistrate Judge  
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